

ITEM # _____

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: W SR 46 Subdivision Rezone from A-1 and RM-3 to RC-1

DEPARTMENT: Planning & Development **DIVISION:** Planning

AUTHORIZED BY: Tony Walter *TW* **CONTACT:** Michael Rumer *MR* **EXT.** 7431

Agenda Date 06/07/06 **Regular** ☐ **Work Session** ☐ **Briefing** ☐
Special Hearing – 6:00 ☐ **Public Hearing – 7:00** ☒

1. **RECOMMEND APPROVAL** of a request to rezone 28± acres from A-1 (Agriculture) and RM-3 (Travel Trailer Park & Campsites) to RC-1 (Country Homes), located on the north side of W SR 46; 3,300 feet west of the intersection of SR 46 and Orange Blvd, based on staff findings, (Tony Cipparone, applicant); or
2. **RECOMMEND DENIAL** of a request to rezone 28± acres from A-1 (Agriculture) and RM-3 (Travel Trailer Park & Campsites) to RC-1 (Country Homes), located on the north side of W SR 46; 3,300 feet west of the intersection of SR 46 and Orange Blvd, based on staff findings, (Tony Cipparone, applicant); or
3. **CONTINUE** the item to a time and date certain.

District 5 – Commissioner Carey

Michael Rumer, Senior Planner

BACKGROUND:

The applicant is requesting to rezone 28± acres located on the north side of W SR 46; 3,300 feet west of the intersection of SR 46 and Orange Blvd, from A-1 (Agriculture) and RM-3 (Travel Trailer Park & Campsites) to RC-1 (Country Homes) in order to develop a single-family subdivision. The requested zoning allows lots with a minimum size of one (1) acre and lot width of 120 feet. The future land use of the subject property is SE (Suburban Estates), which permits a maximum density of one (1) dwelling unit per acre.

Reviewed by: *KPT*
Co Atty: _____
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. Z2006-25

STAFF RECOMMENDATION:

Staff recommends APPROVAL of a request to rezone 28± acres from A-1 (Agriculture) and RM-3 (Travel Trailer Park & Campsites) to RC-1 (Country Homes), located on the north side of W SR 46; 3,300 feet west of the intersection of SR 46 and Orange Blvd, based on staff findings.

Attachments:

Staff Analysis
Location Map
FLU/Zoning Map
Aerial Photo
Ordinance

W SR 46 Subdivision Rezone

Rezone from A-1 / RM-3 to RC-1

APPLICANT	Tony Cipparone	
PROPERTY OWNER	Tony Cipparone	
REQUEST	Rezone from A-1 (Agriculture) and RM-3 (Travel Trailer Park and Campsites) to RC-1 (Country Homes)	
PROPERTY SIZE	28 ± acres	
HEARING DATE (S)	P&Z: June 7, 2006	BCC: July 25, 2006
PARCEL ID	25-19-29-300-028A-0000, 26-19-29-300-0030-0000	
LOCATION	Located on the north side of W SR 46; 3,300 feet west of the intersection of SR 46 and Orange Blvd.	
FUTURE LAND USE	SE (Suburban Estates)	
ZONING	A-1 (Agriculture) & RM-3 (Travel Trailer Park and Campsites)	
FILE NUMBER	Z2006-25	
COMMISSION DISTRICT	#5 – Carey	

Proposed Development:

The applicant is proposing to develop a 21 lot single-family residential community on 28 ± acres.

ANALYSIS OVERVIEW:

ZONING REQUEST

The applicant, Tony Cipparone, is requesting to rezone 28± acres from A-1 (Agriculture) & RM-3 (Travel Trailer Park and Campsites) to RC-1 (Country Homes). The subject property is located on the north side of W SR 46; 3,300 feet west of the intersection of SR 46 and Orange Blvd. The Future Land Use designation of the subject property is SE (Suburban Estates), which permits a maximum density of one (1) dwelling unit per net buildable acre. The following table depicts the minimum regulations for the current zoning district of A-1 (Agriculture) & RM-3 (Travel Trailer Park and Campsites) district and the requested district of RC-1 (Country Homes) district:

DISTRICT REGULATIONS	Existing Zoning (A-1) / RM-3	Proposed Zoning (RC-1)
Minimum Lot Size	43,560 / N/A	43,560 square feet
Minimum House Size	N/A / N/A	1,200 square feet
Minimum Width at Building Line	150 feet / N/A	120 feet
Front Yard Setback	50 feet / N/A	35 feet
Side Yard Setback	10 feet / N/A	20 feet
(Street) Side Yard Setback	25 feet / N/A	35 feet
Rear Yard Setback	30 feet / N/A	35 feet
Maximum Building Height	35 feet / N/A	35 feet

PERMITTED & SPECIAL EXCEPTION USES

The following table depicts the permitted and special exception uses within the existing and proposed zoning districts:

Uses	A-1 (Existing)	RM-3 (Existing)	RC-1 (proposed)
Permitted Uses	Agricultural uses such as citrus or other fruit crops cultivation, production and horticulture, truck farms, plant nurseries and greenhouses not involved with retail sales to the general public, silva culture, public and private elementary schools, publicly owned and/or controlled parks and recreation areas, bait production, stables, barns, single-family dwelling and customary accessory uses including one (1) guesthouse or cottage, docks and boathouses, churches and structures appurtenant thereto, community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents.	Transient parking of trailers, campers, and placing of tents on individual sites, Recreational buildings, laundry, toilet, and shower facilities, A service store, with living quarters, if desired, to provide groceries, bottle gas, a snack bar, and supplies for occupants of the park, Recreational facilities, such as, golf courses, swimming pools, tennis courts, marinas, etc. Petroleum products may be sold in marina areas only for marina use, Utility or storage building for maintenance equipment and supplies, Sewer and water plants where no other such facilities are available. Must be located within the park and not closer than two hundred (200) feet from any property line, One (1) house or mobile home is permitted as office and housing for the operator of the park. Additional houses or mobile homes may be permitted for night watchman or security guards on approval of the Board of Adjustment, Public and private elementary schools.	Single-family residences and their customary accessory uses, Citrus cultivation, Boathouses and docks used for the shelter and storage of boats, Guest cottages and servants quarters, Home occupations, Community residential homes (group homes and foster care facilities) housing six (6) or fewer permanent unrelated residents, Public and private elementary schools.

Uses	A-1 (Existing)	RM-3 (Existing)	RC-1 (proposed)
Special Exception Uses	Special Exception such as cemeteries and mausoleums, kennels including the commercial raising or breeding of dogs, hospitals, sanitariums and convalescent homes, veterinary clinics and assisted living facilities and group homes, public and private nursery schools, kindergartens, middle schools, high schools and colleges, public utility and service structures, fishing camps, marinas, gun clubs, or similar enterprises or clubs making use of land with nominal impacts to natural resources, privately owned and operated recreational facilities open to the paying public, such as athletic fields, stadium, racetracks, and speedways, golf driving ranges, riding stables, water plants, and sanitary landfill operations, off-street parking lots, farm worker housing, mobile homes, retail nurseries, landscaping contractors as an accessory use to a wholesale nursery or wholesale tree farm, communication towers, bed and breakfast establishments.	Public and private middle schools and high schools, Communication towers, Private recreational facilities constructed as an accessory use to civic, fraternal, or social organizations if the existing use is located in a predominantly residential area as determined by the Planning Manager.	The keeping of horses or ponies for the immediate use of the occupant and his guest, Public and private middle schools and high schools, Public utility and service structures, Churches with their attendant educational, recreational buildings, and off-street parking, Parks and recreational areas, publicly owned and operated, Assisted living facilities and community residential homes housing 7--14 permanent unrelated residents (including group homes and foster care facilities), Communication towers.
Minimum Lot Size	One Acre	N/A	One Acre

COMPATIBILITY WITH SURROUNDING PROPERTIES

The proposed RC-1 zoning is compatible with the trend of single-family residential development located along W SR 46. The purpose of the RC-1 district is to provide for a country lifestyle and low density, single-family development at the same density as the existing A-1 zoning, without many of the undesirable features of a purely agriculture district. Furthermore, RC-1 is a compatible zoning category under the existing SE (Suburban Estates) future land use and will result in no increase in residential density. Staff believes the proposed rezone to be compatible with surrounding development.

The Future Land Use designations, zoning districts and existing uses for the subject and abutting properties are as follows:

(North)				
	SE Single-Family Residential <i>A-1</i> (1 acre lots)	SE Single-Family Residential <i>A-1</i> (1 acre lots)	SE Single-Family Residential <i>A-1</i> (1 acre lots)	
(West)	SE Wholesale Nursery <i>A-1</i> (1 acre lots)	SE Vacant <i>A-1/RM-3</i> (1 acre lots, N/A)	SE Twelve Oaks Campground <i>RM-3</i>	(East)
	SE SR 46 / Single-Family Residential <i>PUD</i> (15,000 sq. ft. lots)	SE SR 46 / Church <i>A-1</i>	SE SR 46 / Wholesale Nursery <i>A-1</i> (1 acre lots)	
(South)				

Example:

Future Land Use
Existing Use
<i>Current Zoning</i>
(Minimum Lot Size)

- **Bold** text depicts the Future Land Use designation, *italicized* text depicts the existing zoning district and plain text depicts existing use. The shaded cell indicates the subject property. More detailed information regarding surrounding properties can be found in the attached Future Land Use, zoning and aerial photo maps.

SITE ANALYSIS:

ENVIRONMENTAL IMPACTS

Floodplain Impacts:

Based on FIRM map numbers 12117C0010E, 12117C0020E, 12117C0030E, and 12117C0040E with effective dates of 04/17/1995, the site is outside of the 100 year floodplain.

Wetland Impacts:

Based on preliminary aerial photo and County wetland map analysis, the subject property contains approximately 2.5 ± acres of wetlands. Compliance with the Land Development Code regarding development within and around wetland areas is required prior to the issuance of any building permits.

Endangered and Threatened Wildlife:

Based on preliminary analysis, there may be endangered and threatened wildlife on the subject property. A threatened and endangered study along with a species of special concern survey will be required prior to final site plan approval.

PUBLIC FACILITY IMPACTS

Rule 9J-5.0055(3), Florida Administrative Code, requires that adequate public facilities and services be available concurrent with the impacts of development. The applicant has applied for Concurrency Review and the test resulted in sufficient capacity for roads, water, and sewer.

The following table depicts the impacts the proposed development has on public facilities:

Public Facility	Existing Zoning (A-1)	Proposed Development*	Net Impact
Water (GPD)	7,350	7,350	0
Sewer (GPD)	6,300	6,300	0
Traffic (ADT)	201	201	0
Schools			
Elementary	5	5	0
Middle	2	2	0
High	3	3	0

* The Proposed Development is calculated on 20% of the property being dedicated for roads and retention, 4 ± acres of wetlands and the proposed lot sizes of 43,560 square feet, for a total yield of 21 lots.

Utilities:

The site is located in the service area of Seminole County and is proposing to connect to public utilities for water and sewer. There is a 12-inch water main on the south side of SR 46 and a 16-inch force main on the north side of SR 46. This parcel must connect to a 20-inch reclaim water main on the south side of SR 46. Approval of the proposed water service utility plan is required prior to the approval of final engineering plans.

Transportation / Traffic:

The property accesses SR 46 which is classified as an arterial roadway. SR 46 is not currently programmed to be improved according to the County 5-year Capital Improvement Program. However, it is possible this portion of SR 46 may become part of the Western Beltway or may be significantly affected by it.

School Impacts:

Based on the formulas provided by the Seminole County School District, the proposed zone change will generate approximately 10 school age children. This subject site is currently zoned for, and will affect, the following schools:

Schools Impacted	Proposed Impact	Current Capacity	Enrollment as of 2/10/06	Percent Capacity
Northwest Cluster :	5			
Bentley Elementary		933	1,018	109.1%
Crystal Lake		853	0	0%
Idyllwilde Elementary		825	1,027	124.5%
Wicklow Elementary		694	1,011	145.7%
Wilson Elementary		881	1,030	116.9%
Sanford Middle	2	1,564	1,507	96.4%
Seminole High	3	2,069	2,900	140.2%

Public Safety:

The County Level-Of-Service standard for fire protection and rescue, per Policy PUB 2.1 of the Comprehensive Plan, is 5 minutes average response time. The nearest response unit to the subject property is Station 34, which is located at 4905 W SR 46, and meets the Level-Of-Service standard.

Drainage:

The proposed project is located within the Wekiva River Protection Area and shall meet SJRWMD criteria pertaining to that area. Design of the drainage system will be evaluated in more detail prior to final engineering approval.

Parks, Recreation and Open Space:

In accordance with Section 30.1344 of the Land Development Code, the applicant will be required to provide twenty-five (25) percent of the site in open space.

Buffers and Sidewalks:

Active/Passive Buffers are not required since the existing land use designation is Suburban Estates and the proposed development is single-family. A twenty-five (25) foot landscape buffer is required within the fifty foot building setback from the right-of-way line of SR 46. A four foot wide sidewalk is required internally and a five foot wide sidewalk is required along W SR 46.

APPLICABLE POLICIES:

FISCAL IMPACT ANALYSIS

This project does not warrant running the County Fiscal Impact Analysis Model.

SPECIAL DISTRICTS

The subject property is located within the Wekiva River Protection Area, Wekiva River Study Area and the State Road 46 Scenic Corridor Overlay. The following SR 46 Scenic Corridor standards apply:

- 1) No structure or outdoor storage shall be located within fifty (50) feet from the right-of-way of State Road 46.
- 2) Seventy-five (75) percent of all required trees and shrubs shall be native plant species as set forth in the Land Development Code. Selected landscaping shall re-establish native habitat consistent with soil types that may have existed in the pre-development condition. Additionally, no plants on the department of environmental protection prohibited list or the Florida Exotic Pest Plant Councils Category I or II lists may be used.
- 3) Within the designated scenic corridor setback there shall be established a landscape buffer of twenty-five (25) feet.
- 4) No existing canopy trees greater than six (6) inches in diameter shall be removed in the scenic corridor buffer unless approved by the Planning Manager because the clearing is necessary to provide access, the tree is diseased or public safety requirements.
- 5) No clearing within the scenic corridor setback or buffer shall be permitted except in conjunction with a permit issued for development authorized under the provisions of this part or for public safety requirements. Specimen trees shall be preserved to the maximum extent possible.

COMPREHENSIVE PLAN (VISION 2020)

The following policies are applicable with the proposed project:

Policy FLU 1.2:	Flood Plain Protection
Policy FLU 1.3:	Wetlands Protection
Policy FLU 1.4:	Conservation Easements
Policy FLU 1.7:	Wekiva River Protection
Policy FLU 2.1:	Subdivision Standards
Policy FLU 14.1:	Recognition of the Wekiva River Protection Area
Policy FLU 14.8:	Compliance Agreements Between Seminole County and the Florida Department of Community Affairs.
Policy FLU 14.9:	Wekiva River Protection Area Environmental Design Standards
Policy FLU 15.2:	Wekiva Study Area Natural Resource Protection
Policy CON 2.5:	Wekiva River
Policy CON 3.9:	Conservation Easement/Dedication
Policy REC 7.3:	Wekiva and Econlockhatchee River Protection Zone
Policy PUB 2.1:	Public Safety Level-of-Service

INTERGOVERNMENTAL NOTIFICATION:

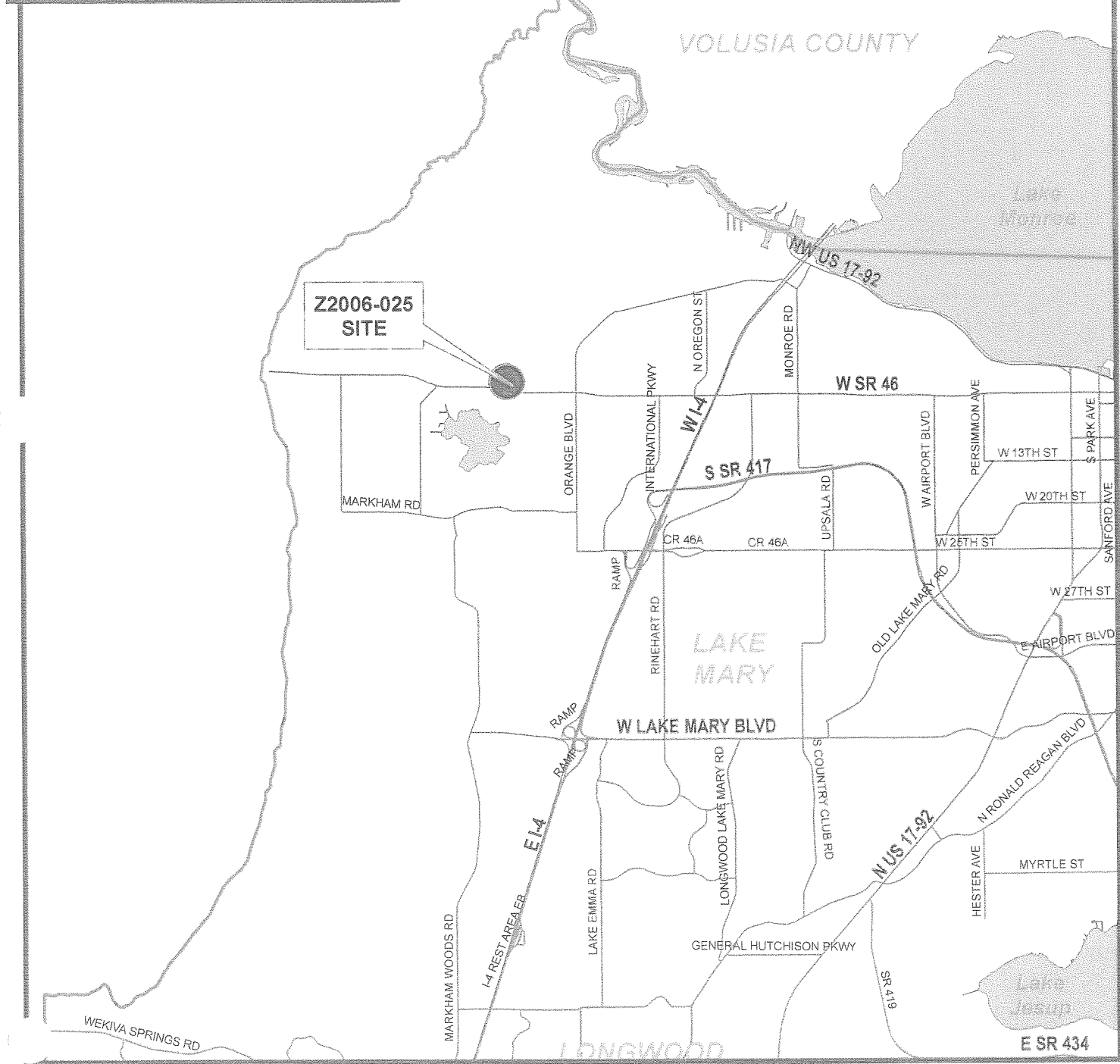
Intergovernmental notice was sent to the Seminole County School District on May 18, 2006. To date, no comments have been received.

LETTERS OF SUPPORT OR OPPOSITION:

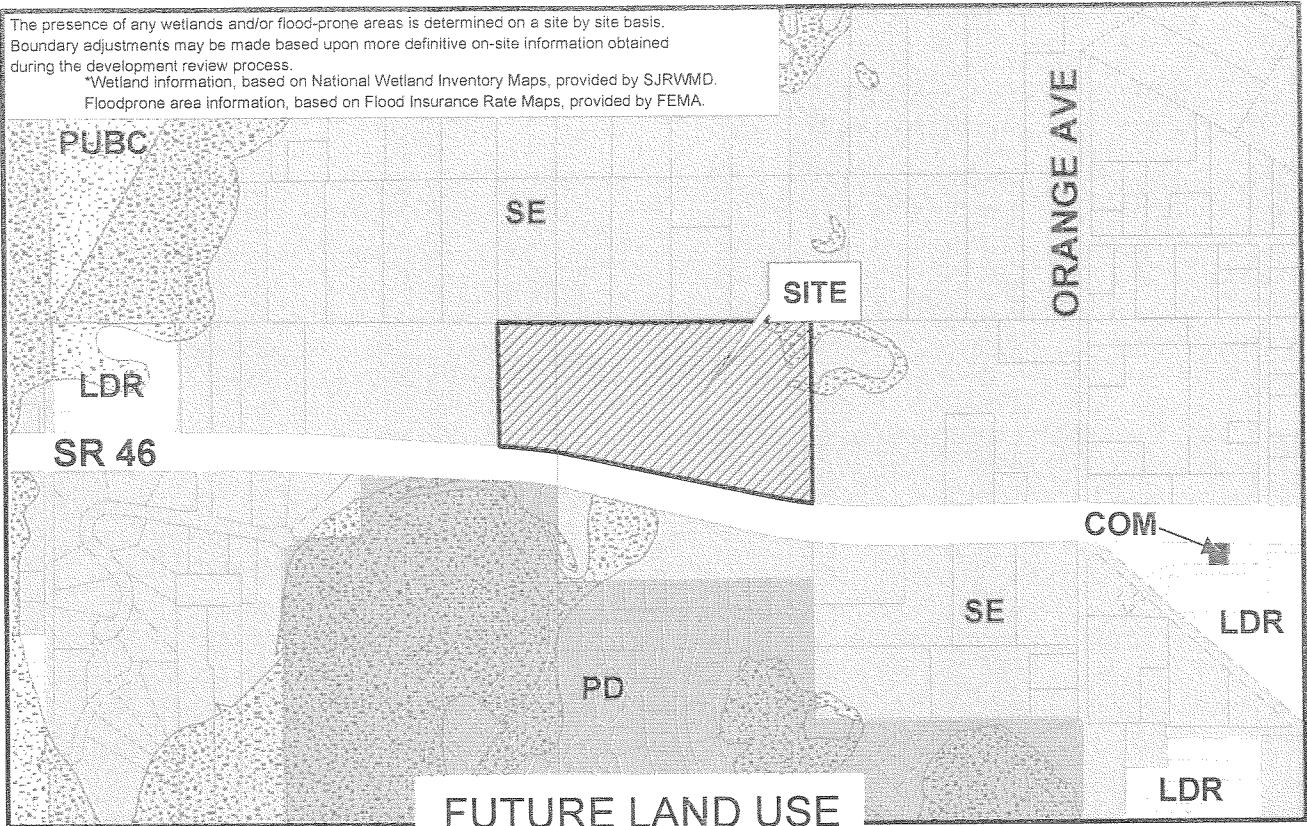
At this time, Staff has received no letters of opposition.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of a request to rezone 28± acres from A-1 (Agriculture) and RM-3 (Travel Trailer Park & Campsites) to RC-1 (Country Homes), located on the north side of W SR 46; 3,300 feet west of the intersection of SR 46 and Orange Blvd, based on staff findings.

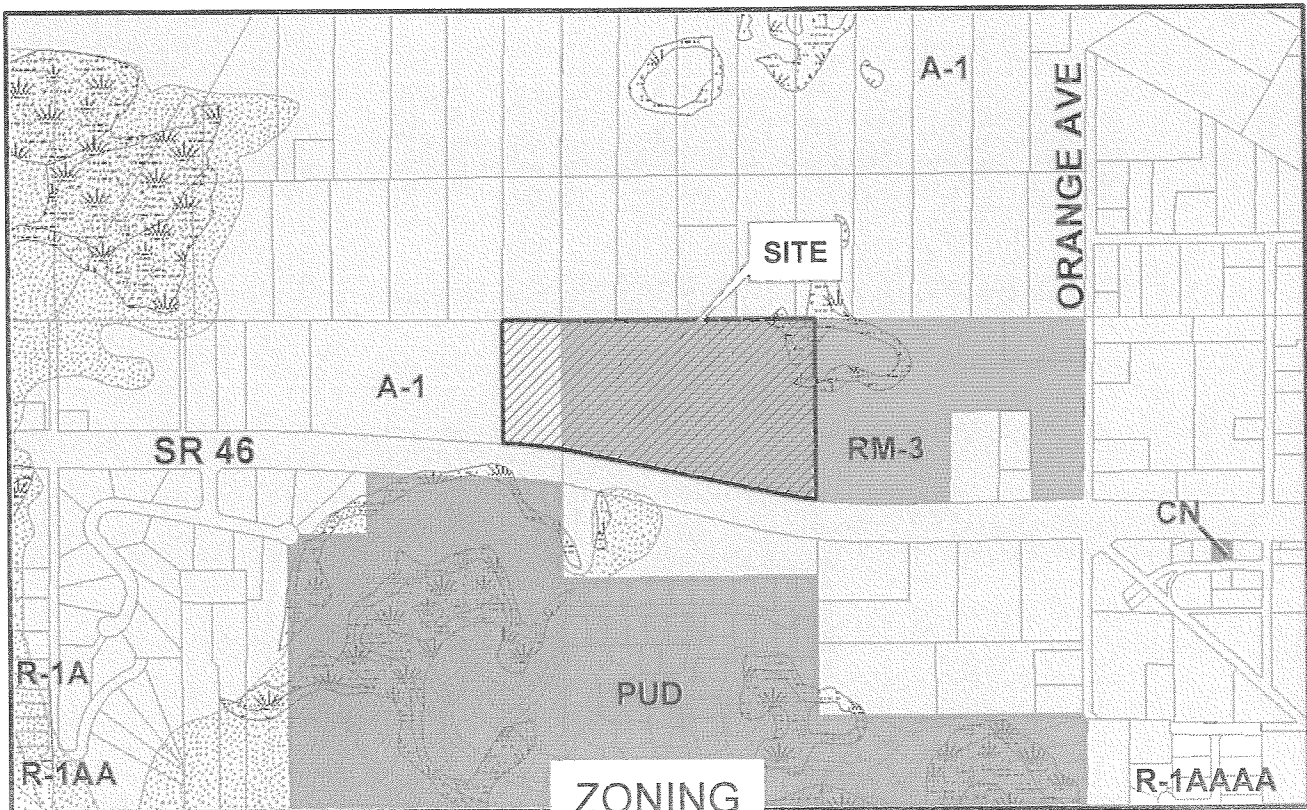


The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.



Applicant: Tony Cipparone
 Physical STR: 25-19-29
 Gross Acres: 28 acres +/- BCC District: 5
 Existing Use: Vacant
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	-	-	-
Zoning	Z2006-025	A-1/RM-3	RC-1





Rezone No: Z2006-025
From: A-1 & RM-3 To: RC-1

- ☐ Parcel
- ☐ Subject Property



January 2004 Color Aerials

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LEGAL DESCRIPTION ATTACHED AS EXHIBIT A); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) & RM-3 (TRAVEL TRAILER PARK & CAMPSITES) ZONING CLASSIFICATION THE RC-1 (COUNTRY HOMES) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled W SR 46 Subdivision Rezone.

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) & RM-3 (Travel Trailer Park & Campsites) to RC-1 (Country Homes):

SEE ATTACHED EXHIBIT A

Section 3. SEVERABILITY:

If any provision of this Ordinance or the application to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 4. EXCLUSION FROM CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective upon filing with the Department of State.

ENACTED this 25th day of July 2006.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Carlton D. Henley
Chairman

EXHIBIT A
LEGAL DESCRIPTION

EAST 1/4 OF NORTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 26, TOWNSHIP 19 SOUTH, RANGE 29 EAST, LESS RIGHT OF WAY FOR STATE ROAD 46, ALSO WEST 1321 FEET OF NORTHWEST 1/4 LYING NORTH OF STATE ROAD 46, IN SECTION 25, TOWNSHIP 19 SOUTH, RANGE 29 EAST. ALL LYING IN SEMINOLE COUNTY, FLORIDA.

LESS AND EXCEPT THAT PORTION CONVEYED TO THE STATE OF FLORIDA RECORDED IN OFFICIAL RECORDS BOOK 831, PAGE 558.

CONTAINS 1,219,625 SQUARE FEET OR 27.999 ACRES